

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

GARY L. BRAZLE,

Plaintiff,

v.

MICHAEL J. ASTRUE,¹
Commissioner of Social Security

Defendant.

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Civil Action No. 2:06cv0057

Judge Thomas A. Wiseman, Jr.

ORDER OF FINAL JUDGMENT

Plaintiff Gary L. Brazle filed this civil action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of the final decision of the Commissioner of Social Security ("Defendant" or "Commissioner") finding that Plaintiff was not disabled and denying Plaintiff's claims for Disability Insurance Benefits, as provided under Title II of the Social Security Act ("the Act"), as amended. Currently pending is Plaintiff's Motion for Judgment on the Administrative Record, in which Plaintiff seeks reversal of the Commissioner's decision and an award of benefits. (Doc. No. 8.) Defendant has filed a Response, arguing that the decision of the Commissioner is supported by substantial evidence and should be affirmed. (Doc. No. 12.)

For the reasons explained more fully in the accompanying Memorandum Opinion, the Court finds that the Commissioner's decision embodied in the ALJ's written decision is not supported by substantial evidence in the record and that the ALJ erred as a matter of law in rejecting the opinions of Plaintiff's treating sources. The Court further finds that the ALJ's decision was clearly erroneous; proof of disability overwhelming; and evidence to support an alternative conclusion is completely lacking. The Court finds that the evidence in the record clearly demonstrates that Plaintiff has been disabled at least since the date of his first surgery on June 17, 2002, and he is entitled to Disability Insurance Benefits beginning on that date.

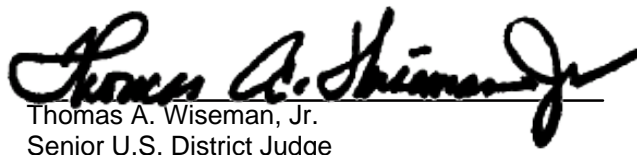
Accordingly, Plaintiff's Motion for Judgment (Doc. No. 8) is **GRANTED** and the Commissioner's decision **REVERSED**. This matter is **REMANDED** to the Commissioner for the calculation and payment

¹ Michael J. Astrue is automatically substituted for his predecessor Jo Anne Barnhart as Commissioner of the Social Security Administration. Fed. R. Civ. P. 25(d)(1).

of Disability Insurance Benefits consistent with the Social Security Act and this Order. Judgment is hereby entered in favor of the Plaintiff.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge